

## **Study: D.C. Mental Health Court Yields Positive Results**

Mentally ill criminal defendants who completed a special diversion program in District of Columbia Superior Court were less likely to reoffend, compared with mentally ill defendants who went through traditional criminal proceedings, according to a recent study.

The study, published in June in *Law and Human Behavior*, tracked mentally ill defendants in the program and compared their rearrest record with mentally ill defendants who weren't part of the program, which involves greater court supervision and the incentive of having criminal charges dismissed. The Mental Health Diversion Court program began in 2007.

The study is part of a small but growing body of research on the effectiveness of mental health court programs, which, like the popular drug courts, focus on getting defendants treatment and keeping them out of jail. Studies published to date have been positive about the programs. As was the case with this latest study, however, the research was inconclusive as to why the program works.

"We've known for some time that our Mental Health Court was having a favorable impact and good outcomes for our participants, and we are gratified that our experience has now been validated by an evidenced-based independent evaluation," Superior Court Acting Chief Judge Frederick Weisberg said in a statement.

Following arrest, defendants on pretrial release are placed under the supervision of the Pretrial Services Agency, which tries to connect mentally ill defendants with treatment and other support. Since both groups in the study—those in the diversion program and those not—were getting the same access to mental health services through the agency, the study's authors said they were better able to identify the effects of being in the diversion program.

According to the study, mentally ill defendants who received treatment generally were less likely to reoffend. But defendants in the mental health court program were 36 percent less likely than the comparison group to be arrested again in the year after completing the program. Controlling for factors that might make defendants more or less likely to reoffend, such as illegal drug use, sociodemographic characteristics and prior arrests, the difference shrank, but program participants were still 25 percent less likely to reoffend.

"A lot of people thought, if you just give people their pills, it will get better, and it turns out it's more than that—it's quite a bit more than that," said Heathcote Wales, a professor at Georgetown University Law Center and one of the study's lead authors.

Mentally ill defendants charged with most misdemeanors and certain non-violent felonies can be eligible for the program, assuming they meet certain criteria and get approval from the U.S.

attorney's office. The defendants enter into deferred-prosecution or deferred-sentencing agreements, meaning the full criminal prosecution is reinstated if they fail to complete the program.

Defendants in the diversion program are under court supervision for four to six months, and have to get mental health treatment and substance abuse treatment, if needed. They appear regularly before a judge to update the court on how they're doing. If they successfully complete the program, the charges are dismissed.

In addition to treatment, the authors found that regular monitoring and greater support from the court clearly made a difference in steering offenders away from future criminal activity. Wales said their leading hypothesis as to why such programs worked involved a theory known as procedural justice. The theory says defendants are more likely to obey the law if the system seems legitimate, and Wales said that sense of legitimacy comes from a defendant's belief that they have input and are treated with fairness and respect.

For mentally ill defendants, who likely had come into contact with the criminal justice system in the past, their experience in the mental health court program and regular face-time with a judge interested in their progress represented a "huge" contrast, Wales said.

"These folks have just not been treated like responsible human beings or people who are worth listening to," he said.

The study did carry a few caveats, including that participants in the diversion program may already be less likely to reoffend because of certain factors—from the fact that participants volunteered, meaning they might already be more motivated, to limits on participation if the defendant was using illegal drugs. Still, the authors said they tried to control for those issues and that it was unlikely defendants would succeed at avoiding rearrest without the support provided by the pretrial services agency and the diversion program, regardless of how motivated they were.

"Where this leads is to more study of what it is about the experience of mental health court, apart from the provision of psychiatric and drug treatment services, that is causing these folks to change their lifestyle and offending patterns," Wales said.

Posted by Zoe Tillman on September 03, 2013